IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
	:	
Daniel Manhung Wong	:	Confirmation No.: 3803
	:	
Serial No.: 10/786,941	:	Examiner: Michael Pham
	:	
Filed: February 24, 2004	:	Group Art Unit: 2167

For: SENDING CONTROL INFORMATION WITH DATABASE STATEMENT

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

As will be seen from the discussion below, the rejections of all of the pending claims are predicated upon clear errors of fact and, consequently, should be reversed.

Claims 1-2, 7-9, 14-15, and 19-21 were rejected under 35 U.S.C. § 102 as being unpatentable over U.S. Patent Application Publication No. US 2004/0254948 to Yao ("*Yao*"). For the same reasons, claims 3, 4, 6, 10-13, 16, 18, 22-24, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yao in further view of U.S. Patent Application Publication No. US 2001/0021929 to Lin et al. ("*Lin*"). Also Claims 5 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yao* "as applied to claim 1 above" and in further view of Inohara et al. ("*Inohara*").

CLEAR ERROR TO EQUATE DECOMPOSITION WITH EXECUTION

Claims 1 and 14, from which all other claims depend, include the following feature: **"said database server executing said database statement, wherein during execution of said database statement said database server provides access to one or**

more of the at least one parameter values through a tag access mechanism provided by said server." As discussed from page 3, second full paragraph, to page 4, second full paragraph, in Applicant's Response to Final Office Action, *Yao* does not teach, suggest, or motivate tags that are used during execution. The "tags" referred to in *Yao*, paragraphs [0046] and [0051], are signs that allow the decomposition database, **pre-execution**, to convert a first set of ETL instructions into a second set of ETL instructions. *Yao*, Paragraph [0049]. As shown in Figure 4 of *Yao*, the second set of ETL instructions is then executed on the enterprise transient system **without** access, independently from, and without regard to the "tags" stored in the decomposition database. *Yao*, Paragraph [0050]. Nowhere does *Yao* even consider using "tags" in any manner during execution.

In paragraphs [0049] and [0050], *Yao* makes it clear that tags are not used during execution. In paragraph [0049], *Yao* states: "Based on the command instruction tags and tag parameters, the ETL driver module 460 decomposes the SQL instructions into modified SQL instructions that may be performed in a more efficient manner." Then, in paragraph [0050], *Yao* states: "The modified SQL instructions[,]" **not** tags and tag parameters, "are executed on the operational data of the enterprise transient system 410 via the enterprise system interface 470."

In Table 1, explained by paragraphs [0070] through [0073], *Yao* unambiguously shows simple SQL modified instructions decomposed from a set of tag formatted instructions. Table 1 shows Original Insert Statement T100 written in the tagged form of Local Command Definition T120. Paragraph [0073] explains how the tagged form of Local Command Definition T120 allows the Original Insert Statement T100 to be decomposed into modified SQL instructions, Select query T130 and Insert query T140.

As can be seen in Table 1, the modified SQL instructions contain no tags. In *Yao*, the decomposed SQL queries are executed without access to the tags.

CLEAR ERROR TO IGNORE "DURING EXECUTION" FEATURE

In response to Applicant's argument that the "during execution" feature is not taught suggested, or motivated by *Yao*, the advisory action cited paragraph [0042], which merely states that the instruction conversion system ("ETL system") may be part of the same machine as the server. Relying on paragraph [0042] to reject the claimed "during execution" feature is clear error; whether the instruction conversion system is on the same machine as the server is irrelevant as to whether the server accesses tags during execution of a database statement.

Also in response to Applicant's argument that *Yao* does not teach the "during execution" feature, the advisory action cited paragraph [0049]. Apparently, the advisory action refers to the portion of paragraph [0049] that states: "Based on the command instruction tags and tag parameters, the ETL driver module 460 decomposes the SQL instructions into modified SQL instructions that may be performed in a more efficient manner." As discussed above, decomposition and execution are not equivalents. Therefore, the advisory action ignored the "during execution" feature of Claims 1 and 14.

In Applicant's Specification, Paragraphs [0022] and [0023], Applicant discusses how tags are used in one embodiment. Many of the embodiments described in these paragraphs would not be possible if tag parameters were not accessible during execution. Although Claims 1 and 14 are not limited by Paragraphs [0022] and [0023] of Applicant's Specification, the errors in the advisory action become even clearer after reading these paragraphs.

None of the references, either alone or combined, satisfy the "during execution" feature in Claims 1 and 14, from which all other claims depend. Therefore, the rejection is clearly erroneous.

Therefore, even if *Yao*, *Lin*, and *Inohara* could be combined, the combination still would not disclose, teach, or suggest all of the features of any of the claims. Consequently, the claims are patentable over *Yao*, *Lin*, and *Inohara*, even when considered in combination, under 35 U.S.C. § 103(a).

Conclusion

Because it is predicated upon a clear error of fact, the rejections of Claims 1 and 14, as well as the rejections of all of the claims that depend from Claims 1 and 14, should be reversed.

In summary, the rejections of all of the pending claims should be reversed, because, as shown above, the rejections of all of the pending claims are predicated upon clear errors of fact.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to the deposit account 50-1302.

Respectfully submitted,

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Dated: October 29, 2008

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 50277-2406

Pursuant to 37 CFR 1.8(a)(1)(ii) I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via the electronic filing system in accordance with 37 CFR §§1.6(1)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM PST.

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Signature /EricLSutton#61173/

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Application Number	Filed
10/786,941	February 24, 2004
First Named Inventor	
Daniel Manhung Wong	
Art Unit	**Examiner**
2167	Michael Pham

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.
X

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.
X

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

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October 29, 2008
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.